

1 SHIRLI FABBRI WEISS (Bar No. 079225)
shirli.weiss@dlapiper.com
2 GERARD A. TRIPPITELLI (Bar No. 235788)
jerry.trippitelli@dlapiper.com
3 ALYSSON RUSSELL SNOW (Bar No. 225185)
alysson.snow@dlapiper.com
4 **DLA PIPER US LLP**
5 401 B Street, Suite 1700
San Diego, CA 92101-4297
Tel: 619.699.3650
6 Fax: 619.699.2701

7 Attorneys for Defendant
8 ALEXANDER YAROSHINSKY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12
13 IN RE CONNETICS CORPORATION
SECURITIES LITIGATION

CASE NO. 3:07-cv-02940-SI

CLASS ACTION

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ALEXANDER
YAROSHINSKY'S MOTION TO STRIKE
PORTIONS OF PLAINTIFF'S SECOND
AMENDED CONSOLIDATED CLASS
ACTION COMPLAINT AND HIS MOTION
TO DISMISS**

15 || This Document Relates To:

ALL ACTIONS

Date: August 15, 2008
Courtroom: 10
Time: 9:00 a.m.

Judge: Honorable Susan Illston

1 **I. INTRODUCTION**

2 Pursuant to the Federal Rules of Evidence Rule 201 (“Rule 201”), Defendant Alexander
 3 Yaroshinsky hereby requests that this Court take judicial notice of the documents identified below
 4 in support of Dr. Yaroshinsky’s Motion to Dismiss and Motion to Strike Plaintiff’s Second
 5 Amended Class Action Complaint.

6 **II. JUDICIAL NOTICE IS APPROPRIATE**

7 Rule 201 allows a court to take judicial notice of a fact “not subject to reasonable dispute
 8 in that it is . . . capable of accurate and ready determination by resort to sources whose accuracy
 9 cannot reasonably be questioned.” Fed. R. Evid. 201(b). Dr. Yaroshinsky requests judicial notice
 10 of Connetics’ Corporation’s historical stock prices and trading volume. In securities fraud cases,
 11 courts may take judicial notice of stock price data, including charts derived from that data. *In re*
 12 *NAHC, Inc. Sec. Litig.*, 306 F.3d 1314, 1331 (3d Cir. 2002).

13 Dr. Yaroshinsky also requests judicial notice of the Second Amended Complaint in *SEC v.*
 14 *Yaroshinsky*, Case No. 06CV2401 (CM) (S.D.N.Y.), filed June 29, 2007. A court may take
 15 judicial notice of its own records in other cases, as well as the records of another court in other
 16 cases. *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980). Therefore, judicial notice of
 17 these items is appropriate.

18 **III. REQUEST FOR JUDICIAL NOTICE**

19 Based on the above and pursuant to Rule 201, Dr. Yaroshinsky hereby requests that the
 20 Court take judicial notice of the following documents in ruling on his motion to dismiss:

21 Connetics’ historic stock prices and trading volume between January 1, 2005 and July 1,
 22 2005 as reported on Lexis/Nexis, attached as Exhibit A to the Declaration of Gerard A. Trippitelli
 23 In Support Of Dr. Yaroshinsky’s Motion to Dismiss (“Trippitelli Declaration”).

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1 Second Amended Complaint in *SEC v. Yaroshinsky*, Case No. 06CV2401 (CM)
2 (S.D.N.Y.), filed June 29, 2007, attached as Exhibit B to the Trippitelli Declaration.

3 Respectfully submitted,

4 Dated: May 2, 2008

DLA PIPER US LLP

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By /s/ Shirli Weiss

SHIRLI FABBRI WEISS

GERARD A. TRIPPITELLI

ALYSSON RUSSELL SNOW

Attorneys for Defendant ALEXANDER

YAROSHINSKY

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